

BILL ANALYSIS

Senate Research Center

S.B. 245
By: Gallegos
Intergovernmental Relations
5/27/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law prohibits a person from standing in a roadway to solicit a ride, employment, or business from an occupant of a vehicle unless granted authority to do so by the local government with jurisdiction of the roadway. S.B. 245 amends the Texas Transportation Code regarding a person standing in a roadway. The bill clarifies that a person shall be permitted to solicit charitable contributions from a roadway under narrow conditions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. NAME OF ACT. Authorizes this Act to be cited as the Sean McKinnis Charitable Solicitation Act.

SECTION 2. AMENDMENT. Amends Section 552, Transportation Code, by adding Section 552.0071, as follows:

Sec. 552.0071. LOCAL AUTHORIZATION FOR SOLICITATION BY PEDESTRIAN. (a) Requires a local transportation authority to grant authorization to persons standing in a roadway to solicit charitable contributions as provided by Section 552.007(a) (Solicitation By Pedestrians), Transportation Code, if the persons to be engaged in the solicitation are employees or agents of the local authority, and other requirements are met.

(b) Requires a person seeking authorization under this section to file a written application with the local authority not later than the 11th day before the date the solicitation is to begin. Sets forth information which must be included in the application.

(c) Provides that this section does not prohibit a local authority from requiring a permit or the payment of reasonable fees to the local authority.

(d) Requires the applicant to furnish to the local authority advance proof of liability insurance in the amount of at least \$1 million to cover damages that may arise from the solicitation. Requires the insurance to provide coverage against claims against the applicant and claims against the local authority.

(e) Provides that a local authority, by acting under this section or Section 552.007, does not waive or limit any immunity from liability applicable under law to the local authority. Provides that the issuance of an authorization under this section and the conducting of the solicitation authorized is a governmental function of the local authority.

(f) Provides that, notwithstanding any provision of this section, the existing rights of individuals or organizations under Section 552.007, Transportation Code, are not impaired.

SECTION 3. EFFECTIVE DATE. Effective date: upon passage or September 1, 2005.